

ASSEMBLY BILL

No. 2232

Introduced by Assembly Member Nielsen

February 18, 2010

An act to amend Section 5007.5 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2232, as introduced, Nielsen. Inmates: inmate-initiated medical and dental visits.

Under existing law, the Secretary of the Department of Corrections and Rehabilitation is authorized to charge a fee in the amount of \$5 for each inmate-initiated medical visit of an inmate confined in the state prison. Existing law authorizes the medical provider to waive the fee, requires the medical provider to waive the fee in any life-threatening or emergency situation, as defined, exempts followup medical visits from the fee, and requires all moneys received pursuant to this provision to, upon appropriation by the Legislature, be expended to reimburse the department for direct provision of inmate health care services.

This bill would increase the above fee to \$10 and additionally authorize a \$5 fee for each inmate-initiated dental visit. The bill would require that these fees be adjusted annually for inflation, as specified. The bill would provide for the fees to be charged even if the inmate has insufficient funds in his or her personal account to cover the fees and would require that any amounts owing be paid before spending on other items is permitted, except as specified. The bill would require that followup medical or dental visits at the direction of the medical or dental staff be charged in an amount equal to 25% of the initial fee charged. The bill would remove the requirement that the fee be waived in any

life-threatening or emergency situation and modify the definition of emergency services.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5007.5 of the Penal Code is amended to
2 read:

3 5007.5. (a) ~~The Director of Corrections~~ *Secretary of the*
4 *Department of Corrections and Rehabilitation* is authorized to
5 charge a fee in the amount of ~~five dollars (\$5)~~ *ten dollars (\$10)*
6 for each inmate-initiated medical visit *and in the amount of five*
7 *dollars (\$5) for each inmate-initiated dental visit* of an inmate
8 confined in the state prison. *Commencing with the 2011–12 fiscal*
9 *year, the fees established in this subdivision shall be adjusted*
10 *annually for inflation using data from the Department of Finance.*

11 (b) ~~The fee~~ *fees* shall be charged to the prison account of the
12 inmate. ~~If the inmate has no money in his or her personal account,~~
13 ~~there shall be no charge for the medical visit.~~ *does not have*
14 *sufficient funds in his or her personal account to cover the fee, the*
15 *account shall be debited and may carry a negative balance. Any*
16 *amounts owing must be paid before spending on other items is*
17 *permitted and shall be subordinate only to court-ordered payments,*
18 *such as victim restitution.*

19 (c) An inmate shall not be denied medical care because of a
20 lack of funds in his or her prison account.

21 (d) The medical *or dental* provider may waive the fee for any
22 inmate-initiated treatment ~~and shall waive the fee in any~~
23 life-threatening or emergency situation, defined as those health
24 services required ~~for alleviation of severe pain or~~ for immediate
25 diagnosis ~~and or~~ treatment of unforeseen medical conditions that
26 if not immediately diagnosed ~~and or~~ treated could *reasonably be*
27 *expected to lead to disability or death.*

28 (e) Followup medical *or dental* visits at the direction of the
29 medical *or dental* staff shall ~~not~~ be charged to the inmate *in an*
30 *amount equal to 25 percent of the fee initially charged to the inmate*
31 *pursuant to subdivision (a).*

32 (f) All moneys received by the ~~Director of Corrections~~ *Secretary*
33 *of the Department of Corrections and Rehabilitation* pursuant to

1 this section shall, upon appropriation by the Legislature, be
2 expended to reimburse the Department of Corrections *and*
3 *Rehabilitation* for direct provision of inmate health care services.

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